

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARLA BEEN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19CV2836 RLW
)	
SUNSHINE CLEANERS PLUS, INC.,)	
)	
Defendant.)	

ORDER OF REMAND

This matter is before the Court on Plaintiff Carla Been’s Motion to Remand to the Circuit Court of St. Louis County, Missouri (ECF No. 6). Defendant Sunshine Cleaners Plus, Inc. removed this class action to federal court under the Class Action Fairness Act (“CAFA”). *See* 28 U.S.C. §§ 1332(d) and 1453. On May 20, 2020, the Defendant filed a consent to remand the case to state court pursuant to the remand of a substantially similar case, *Carla Been v. David and Suk Kliethermes d/b/a Hope Cleaners*, 4:19-CV-2931 SNLJ (ECF Nos. 22-1, 23). Because the parties agree the local controversy exception applies to this matter, the Court no longer retains jurisdiction. *See* 28 U.S.C. § 1332(d)(4)(A); *Westerfeld v. Indep. Processing, LLC*, 621 F.3d 819, 822 (8th Cir. 2010) (court must decline to exercise jurisdiction over a class action in which, *inter alia*, more than two-thirds of the class members in the aggregate are citizens of the state in which the action was originally filed). Therefore, the Court will remand the case to the Circuit Court of St. Louis County, Missouri.

Accordingly,


IT IS HEREBY ORDERED that Plaintiff’s Motion to Remand (ECF No. 6) is
GRANTED.

IT IS FURTHER ORDERED that Plaintiff's request for attorney's fees is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim (ECF No., 12) is **DENIED** as **MOOT**.

IT IS FINALLY ORDERED that this case is **REMANDED** to the Twenty-First Judicial Circuit Court, St. Louis County, State of Missouri, from which it was removed.

Dated this 27th day of May, 2020.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE